

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

STATE REAL ESTATE DEPARTMENT

[R06-431]

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 28, Real Estate Department
Article and its heading: 1, General Provisions
4, Education
5, Advertising
Section numbers: R4-28-101, R4-28-402, R4-28-402.1, R4-28-404, R4-28-404.1, R4-28-404.2, R4-28-405, R4-28-406, and R4-28-502 (As part of this rulemaking, other Sections may be made, amended or deleted).
- 2. Subject matter of the proposed rule:**
The Department proposes to amend these rules primarily as a result of the Five-Year Rule Review, recommendations from the Education Advisory Committee and the Arizona Association of Realtors.
The Department proposes to amend R4-28-402 to clarify filing requirements for distance learning courses, the distinction between salesperson and broker pre-license courses, the procedure a licensee is to follow to request credit for a course that was not previously approved and the information required to be included when a school certifies a student's completion of an approved course.
Proposed revisions to R4-28-404 will exempt from licensure as a school a federal, state or local governmental agency that will present courses dealing with its program area and clarify that, although exempt from licensure as a real estate school, a federal, state or local governmental agency, college or university must comply with other statutory and rule requirements when advertising or presenting courses for real estate credit.
Proposed revisions to R4-28-404 will establish substantive requirements for school approval, identify procedures for notice to the Department of upcoming courses, require records of students attending Department-approved courses be retained within Arizona, establish minimum qualifications for instructors seeking approval to teach a pre-licensure course, require applicants for instructor approval or renewed approval to demonstrate attendance at a presentation skills workshop, establish a probationary instructor status, establish procedures for 'guest speaker' approval, establish a maximum number of hours an instructor may teach per calendar day, establish acceptable numbers of students in a classroom above which a monitor is required to monitor attendance and assist with student control.
R4-28-502, concerning advertising by a school, is being clarified, and subsection (J) is being repealed. Subsections (K) and (L) are being renumbered.
- 3. A citation to all published notices relating to the proceeding:**
None.
- 4. Name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mike Wheeler, Deputy Director, Admin. Actions
Address: Arizona Department of Real Estate
2910 N. 44th St., #100
Phoenix, AZ 85018
Telephone: (602) 468-1414, Ext. 145
Fax: (602) 468-0562
Email: mwheeler@azre.gov
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department will accept written comments at the location listed in Item #4 until the close of record, which has not been yet determined. The Department has not scheduled any oral proceedings at this time.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be announced

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NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

[R06-425]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Board of Appraisal
Article and its heading: 1, General Provisions
2, Licensing and Certification
Section numbers: R4-46-101, R4-46-201, R4-46-202, R4-46-203, R4-46-204, R4-46-205, R4-46-206, R4-46-207, R4-46-208, R4-46-209, R4-46-210 (Additional Sections may be added, deleted, or modified as necessary).
2. **The subject matter of the proposed rules:**

The Board is proposing amendments to define and incorporate by reference the minimum criteria for the licensed real property appraiser classification, the certified residential real property appraiser classification, and the certified general real property appraiser classification established by either *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria adopted February 16, 1994 effective January 1, 1998, All Interpretations and Supplementary Information as of January 1, 2001, and Appendix I, Criteria Revisions effective January 1, 2003* ("1998 Criteria") or *The Real Property Appraiser Qualification Criteria adopted January 1, 2003, All Interpretations and Supplementary Information as of November 1, 2005, and Appendix, Real Property Qualifications Effective January 1, 2008* ("2008 Criteria") based on when a particular component (education, experience or examination) is completed. The Board is proposing amendments to the definition of "Supervising Appraiser" to eliminate a licensed appraiser pursuant to the 2008 Criteria. The amendments propose to delete duplicative language in the rules that appears in the Board's statutes or in the 2008 Criteria. The amendments propose to delete the requirement that an applicant complete at least three hours of course work covering the Board's rules and statutes. The amendments propose to add a requirement that the 15-hour National USPAP course must be taken within two years preceding the date of application. The amendments propose to clean up duplicative and unnecessary language.
3. **A citation to all published notices relating to the proceeding:**

None.
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Deborah G. Pearson, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1539, Ext. 4
Fax: (602) 542-1598
Email: deborah.pearson@appraisal.state.az.us
5. **The time during which the agency will accept written comments and the time and place where the oral comments may be made:**

To be announced with the Notice of Proposed Rulemaking.
6. **A timetable for agency decisions or other action on the proceeding, if known:**

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

[R06-423]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 46, Board of Appraisal
Article and its heading: 1, General Provisions
3, Hearings and Disciplinary Proceedings
6, Property Tax Agents
Section numbers: R4-46-104, R4-46-105, R4-46-301, R4-46-302, R4-46-304, R4-46-305, R4-46-306, R4-46-601, R4-46-602 (Additional Sections may be added, deleted, or modified as necessary).
2. **The subject matter of the proposed rules:**

The Board is proposing amendments to clean up duplicative and unnecessary language.
3. **A citation to all published notices relating to the proceeding:**

None.

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4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Deborah G. Pearson, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1539, Ext. 4
Fax: (602) 542-1598
Email: deborah.pearson@appraisal.state.az.us

5. The time during which the agency will accept written comments and the time and place where the oral comments may be made:

To be announced with the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF APPRAISAL

[R06-427]

1. Title and its heading:

4, Professions and Occupations

Chapter and its heading:

46, Board of Appraisal

Article and its heading:

5, Course Approval

Section numbers:

R4-46-501 and R4-46-503 (Additional Sections may be added, deleted, or modified as necessary).

2. The subject matter of the proposed rules:

The Board is proposing amendments to define and incorporate by reference the minimum criteria for the licensed real property appraiser classification, the certified residential real property appraiser classification, and the certified general real property appraiser classification established by either *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria adopted February 16, 1994 effective January 1, 1998, All Interpretations and Supplementary Information as of January 1, 2001, and Appendix I, Criteria Revisions effective January 1, 2003* ("1998 Criteria") or *The Real Property Appraiser Qualification Criteria adopted January 1, 2003, All Interpretations and Supplementary Information as of November 1, 2005, and Appendix, Real Property Qualifications Effective January 1, 2008* ("2008 Criteria") based on when the education component is completed. The Board proposes to establish more stringent criteria for approval of qualifying and continuing education courses than the 1998 Criteria and the 2008 Criteria by providing that the 15-hours National USPAP course or its approved equivalent shall not be in the form of distance education. The amendments establish the procedure for tracking courses and provide parameters for advertising by course providers. The amendments define a course provider. The amendments provide instructor qualifications and provide that instructors must be approved by the Board. The amendments provide for an effective date of approval of courses. The amendments specify the required documentation to accompany an application. The amendments specify the requirements for course approval, including required core curriculum, module subtopic and number of hours. The amendments provide parameters for course examinations. The amendments provide parameter for student attendance. The amendments provide parameters for the Board audit of courses. The amendments provide for renewal of the course approval if no substantive changes have been made to the course outline and materials. The amendments provide for new course approval for courses that have substantive changes to the outline and course material. The amendments provide that a course at an Arizona community college, college or university need not be approved if such course is substantially the same as required by the 1998 Criteria or the 2008 Criteria and that the license or certificate applicant must submit documentation prepared by the course provider identifying the required core curriculum, module subtopic and number of hours. The amendments provide for the course approval of substantially the same courses approved by other states, except distance education taught before May 3, 2005. The amendments propose to clean up duplicative unnecessary language.

3. A citation to all published notices relating to the proceeding:

None.

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Deborah G. Pearson, Executive Director
Address: 1400 W. Washington, Suite 360
Phoenix, AZ 85007
Telephone: (602) 542-1539, Ext. 4
Fax: (602) 542-1598
Email: deborah.pearson@appraisal.state.az.us

5. The time during which the agency will accept written comments and the time and place where the oral comments

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may be made:

To be announced with the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF HEALTH SERVICES
ADMINISTRATION**

[R06-429]

1. Title and its heading:

9, Health Services

Chapter and its heading:

1, Department of Health Services
Administration

Article and its heading:

4, Codes and Standards Referenced

Section numbers:

R9-1-411 and R9-1-412 (The Department may add, delete, or modify
Sections as necessary).

2. The subject matter of the proposed rules:

This Notice of Rulemaking Docket Opening is being published to replace the notice expiring November 25, 2006. The purpose of this rulemaking is to clarify language and update the licensing requirements related to physical plant health and safety codes and standards in 9 A.A.C. 1, Article 4. In R9-1-412, the Arizona Department of Health Services (Department) incorporates by reference codes and standards for physical plants. The Department does this in R9-1-412 so that the Department can refer to R9-1-412 in its licensure rules throughout Title 9 rather than including separate incorporations by reference in each set of licensure rules.

All changes will conform to current rulemaking format and style requirements of the Governor's Regulatory Review Council and the Office of the Secretary of State. The Department may add, delete, or modify Sections as necessary.

The agency docket number:

RE-030-06

3. A citation to all published notices relating to the proceeding:

Notice of Rulemaking Docket Opening: 11 A.A.R. 4985, November 25, 2005 (*superseded by this notice*)

4. The name and address of agency personnel with whom persons may communicate regarding the rules:

Name: Mike Beaghlr
Program Manager, Office of Special Licensing

Address: Arizona Department of Health Services
Division of Licensing Services
Office of Special Licensing
150 N. 18th Ave., Suite 460
Phoenix, AZ 85007

Telephone: (602) 364-3046

Fax: (602) 364-4769

E-mail: beaghlm@azdhs.gov

or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the addresses listed in item #4 until the close of record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking